

## BOARD OF SELECTMEN

Minutes of the Meeting of 16 July 2007 at 10:00 AM. The meeting took place in the Conference Room, Land Bank, 22 Broad Street, Nantucket, MA 02554. Members of the Board present were Brian Chadwick, Michael Kopko, Allen Reinhard, Patricia Roggeveen and Whiting Willauer. Chairman Willauer called the meeting to order at 10:00 AM.

Review of Town Counsel Comments on Language of Proposed Sewer Act. Chairman Willauer opened the discussion, noting that Town Counsel's comments would be reviewed in sequence.

Section 1: The Board discussed a question about "capacity limitations, connections, pumping stations..." and the ramifications of deleting it. Town Counsel Paul DeRensis indicated that whether or not certain language is included here or throughout the Act, the passage of a document is important. He suggested that it is "absolutely advisable" to keep language in the proposed Act about "capacity limitations." The Board consented to keep the existing language as is with Ms. Roggeveen seeking further information as desired from Town Counsel about previous litigation cases.

Discussion followed on how any amendments would occur and Legislative Liaison Timothy Madden stated that a new version would most likely be printed up for consideration rather than via amendments on the floor.

Section 3. The Board consented to make no changes to the current language involving typographical errors between the submitted version as approved by Annual Town Meeting and Senate No. 2249.

Section 6. Discussion followed regarding "the whole or a portion of the cost of said system." Mr. DeRensis elaborated on the current language that would empower Town Meeting to "contribute to capital costs and to operating costs as voters may decide," allowing flexibility. The Board consented to keep language as is.

The Board also consented to change "systems of sewage and sewage disposal" to "systems of sewerage and sewage disposal."

Discussion followed on the statutory rate of interest and Sewer Commission's rate-setting authority. Ms. Roggeveen noted the importance of discussions on policy by the Board about establishment of a Sewer Commission, infiltration and inflow concerns and setting applicable interest rates. The Board consented to having further such discussion in the fall. Discussion followed on the many policy decisions yet to be made and the authority the Act gives. The Board consented to keep the language as it with no change to the "interest" language.

Mr. DeRensis explained his comment in the section regarding Town Meeting capabilities related to expenditures and funding as concerns sewers. The Board consented to accept the existing language with no changes to occur.

The Board consented to capitalize "Sewer Commission" in Section 6.

Town Counsel explained the routine language noting certification by the Tax Collector and that the Board of Selectmen wording is for clarity. The Board consented to keep the language as, there being no substantive reason to change the words.

Section 7. The Board consented to changing "systems of sewage and sewage disposal" to "sewerage and sewage disposal."

Section 8. Mr. DeRensis commented on the intent of the language regarding the Sewer Commission's ability to prescribe fees and charges. Discussion followed on equal treatment of those seeking sewer connections. Discussion continued on existing law that allows different rates for different areas within sewer districts based on benefits received and not tied to property assessments. Ms. Roggeveen suggested clarification is needed on "benefit" and added that "authority" needs to be defined. The Board consented to leave language as is in Section 8.

Section 10. The Board consented to change "establishing a new expanded Sewer District" to "establishing a new or expanded Sewer District" thereby accepting all recommendations of Town Counsel in response to Board questions with four minor edits resulting as follows: changing "sewage" to "sewerage" for correct usage in two places; addition of the word "or" for clarity; and capitalization of "Sewer Commission" for consistency. The Board consented to being unified in its position on the final proposed Sewer Act to be presented to the legislators and reviewed its upcoming presentation to occur at its July 18, 2007 meeting.

Discussion followed on the effective date of the bill if passed, the importance of the recent dialogue on the proposed Sewer Act and the education process to focus on areas in the future. Discussion continued on next steps in the process.

Selectmen's Comments. Mr. Chadwick asked the Board for permission to pursue a funding source related to construction to "smooth out" the corner at Orange Street where it joins Union Street across from Cumberland Farms at Land Bank property for which easements are in place. Mr. Reinhard spoke in favor of allowing this. The Board noted that it has no objections.

The meeting adjourned at 11:35 AM.

Approved the 5<sup>th</sup> day of September 2007.